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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**SIERRA CLUB and SOUTHERN UTAH  
WILDERNESS ALLIANCE,**

Plaintiffs,

v.

**KENT HOFFMAN**, in his official capacity  
as Deputy State Director, Division of Lands  
and Minerals, Utah State Office, U.S. Bureau  
of Land Management; **U.S. BUREAU OF  
LAND MANAGEMENT**; and **U.S.  
DEPARTMENT OF THE INTERIOR**,

Defendants.

**[PROPOSED] SCHEDULING ORDER  
IN AN ADMINISTRATIVE CASE  
UNDER DUCivR 7-4**

Case No. 4:22-cv-00037-DN

District Judge David Nuffer

Pursuant to Rule 7-4(c) of the Local Rules of Civil Practice of the United States District Court for the District of Utah and this Court's July 22, 2022 Order, ECF Doc. 31, the parties submit this Proposed Scheduling Order.

1. Agency Decisions Challenged:

Plaintiffs Sierra Club and Southern Utah Wilderness Alliance (collectively, "Plaintiffs") challenge the January 5, 2021 Decision Record ("DR") and January 2021 Environmental Assessment ("EA") issued by the U.S. Bureau of Land Management, et al. (collectively, "Federal Defendants" or "Agency") authorizing the expansion of the Lila Canyon coal mine onto an additional 1,272 acres of publicly-owned lands and minerals managed by the Agency.

2. Plaintiffs' Grounds for Challenging Agency Decisions:

Plaintiffs challenge the EA and DR on the grounds that the Agency failed to adequately analyze and disclose the reasonably foreseeable environmental impacts of the mine expansion, and all reasonable alternatives to the approved expansion, as required by the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 et seq. ECF Doc. 13 (Amended Complaint). Specifically, Plaintiffs allege the Agency failed to take the requisite "hard look" at the climate impacts of the mine expansion and failed to consider reasonable middle ground alternatives pursuant to NEPA. These failures were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law and in violation of the Administrative Procedure Act, ("APA"), 5 U.S.C. § 706(2)(A).

3. Agency's Reasons in Support of Agency Decision:

The Agency denies that the EA and DR were arbitrary, capricious, or otherwise contrary to NEPA or the APA. ECF Doc. 36 (Defendants' Statement of Position Denying Arbitrary and Capricious Agency Action).

4. Dates of Filing of Relevant Documents:

- a. Agency's Preparation of Administrative Record: December 15, 2022;
- b. Plaintiffs' Conferral with Agency Counsel on Administrative Record  
Contents: January 13, 2023;
- c. Plaintiffs' Motion to Supplement or Amend Administrative Record: February  
13, 2022; if such a motion is filed, the remainder of the schedule set out below  
is vacated and Plaintiffs and Federal Defendants will submit a new Proposed  
Scheduling Order within 14 days of the Court's Order on the contents of the  
administrative record;
- d. Plaintiffs' Opening Brief: March 17, 2023;
- e. Agency's Answer Brief: May 5, 2023;
- f. Defendant-Intervenor's Answer Brief: May 12, 2023 (if intervention is  
granted);
- g. Plaintiffs' Reply Brief: June 9, 2023.

DATED this \_\_\_\_\_ Day of \_\_\_\_\_, 2022.

BY THE COURT

\_\_\_\_\_

District Judge David Nuffer

APPROVED:

/s/ Nathaniel Shoaff

Nathaniel Shoaff (admitted *pro hac vice*)

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